

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

_____)	
IN RE: NEW ENGLAND COMPOUNDING)	
PHARMACY, INC.)	CIVIL ACTION NO:
PRODUCTS LIABILITY LITIGATION)	1:13-md-02419-RWZ
_____)	
This Document Relates To:)	
All Actions)	
_____)	

AFFIDAVIT OF STEVEN HAYNES IN SUPPORT OF
MOTION TO QUASH DEPOSITION SUBPOENA

I, Stephen Haynes, UNDER OATH DO DEPOSE AND SAY as follows:

1. My name is Stephen Haynes.
2. I was served with a deposition subpoena on August 11, 2015 by Defendants, Saint Thomas Outpatient Neurosurgical Center, LLC; Howell Allen Clinic, a Professional Corporation; John Culclasure, MD; Debra Schamberg, RN, CNOR; Vaughan Allen, MD; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; Kenneth Lister, MD, PC; and Donald E. Jones, MD (***"Tennessee Clinic Defendants"***), which commands that I provide testimony at a deposition scheduled for August 28, 2015 at 9:00 a.m.
3. I believe and, therefore, aver that the subject of such deposition will relate to my involvement and conduct as an employee (more specifically, as a Pharmacy Technician) while at New England Compounding Pharmacy, Inc. (***"NECC"***);
4. Many principal representatives and employees of NECC (to date

at least fourteen in number) have been charged with criminal misconduct in this Court. See USA v. Cadden et al, Case No.: 1:14-cr-10363-RGS;

5. I will not testify at any such deposition and will assert (and do also now assert) my privilege against self-incrimination pursuant to U.S.C.A.Const. Amend. 5 and M.G.L.A.Const. pt. 1, art. 12, as I have "reasonable cause to apprehend a real danger of incrimination." Hoffman v. United States, 341 U.S. 479, 486 (1951); See also Fed.R.Civ.P. 45(d)(3)(A)(iii) and (iv) and, this instant case, MDL order No. 10 (Deposition Protocol) (September 18, 2014) IV;
6. Should I not be accorded the protective relief I seek, great resources will be needlessly expended and I (and other persons involved in the instant action) will be subject to unnecessary and undue burden.

Signed under the pains and penalties of perjury this 18 day of August 2015.



Stephen Haynes